

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN OPEN COURT
U.S.D.C. - Atlanta

MAR 05 2024

KEVIN P. WEIMER, Clerk
By: *[Signature]* Deputy Clerk

UNITED STATES OF AMERICA

v.

WILLIE HOLMES AND
MACKENLEY PIERRE

Criminal Indictment

No. **1:24CR-071**

THE GRAND JURY CHARGES THAT:

**Count One
(Carjacking)
(18 U.S.C. § 2119(2))**

On or about August 28, 2022, in the Northern District of Georgia, the defendants, WILLIE HOLMES and MACKENLEY PIERRE, aided and abetted by one another, and others known and unknown to the grand jury, did knowingly take from the presence of "T.M." by force, violence, and intimidation, with the intent to cause death and serious bodily harm, a motor vehicle, that is, a 2019 Nissan Altima that had been transported, shipped, and received in interstate and foreign commerce, resulting in serious bodily injury that caused a substantial risk of death, extreme physical pain, and protracted loss and impairment of the function of a bodily member, organ, and mental faculty to "T.M.," in violation of Title 18, United States Code, Section 2119 and Section 2.

Count Two
(Brandishing and Discharging a Firearm During a Crime of Violence)
(18 U.S.C. § 924(c))

On or about August 28, 2022, in the Northern District of Georgia, the defendants, WILLIE HOLMES and MACKENLEY PIERRE, aided and abetted by one another, and others known and unknown to the grand jury, did knowingly use and carry a firearm during and in relation to a crime of violence for which the defendants may be prosecuted in a court of the United States, that is, carjacking, in violation of Title 18, United States Code, Section 2119, as alleged in Count One of this Indictment, and during and in relation to the commission of the offense, did brandish and discharge a firearm, all in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(A)(ii), and 924(c)(1)(A)(iii), and Section 2.

Count Three
(Felon in Possession of a Firearm)
(18 U.S.C. § 922(g)(1))

On or about August 28, 2022, in the Northern District of Georgia, the defendant, WILLIE HOLMES, knowing he had previously been convicted of at least one of the following offenses:

1. Sale of a controlled substance, on or about July 16, 2012, in the Superior Court of Cobb County, Georgia;
2. Possession with intent to distribute a controlled substance, on or about August 20, 2012, in the Superior Court of Paulding County, Georgia;
3. Possession of a controlled substance, on or about February 2, 2015, in the Superior Court of Cobb County, Georgia;

4. Possession with intent to distribute a controlled substance, on or about September 13, 2019, in the Superior Court of Fulton County, Georgia;
5. Possession of a controlled substance, on or about February 26, 2020, in the Superior Court of Cobb County, Georgia;
6. Possession with intent to distribute a controlled substance, on or about February 26, 2020, in the Superior Court of Cobb County, Georgia;
7. Possession of a controlled substance, on or about April 6, 2022, in the Superior Court of Cobb County, Georgia;

each of which was a crime punishable by imprisonment for a term exceeding one year, and at least three of which were previous convictions for a serious drug offense committed on occasions different from one another, did knowingly possess at least one of the following firearms, said possession being in and affecting interstate and foreign commerce:

1. a Glock, model 19, 9 mm caliber pistol;
2. a Glock, model 19GEN4, 9 mm caliber pistol;
3. a Canik, model TP-9SF, 9 mm caliber pistol; and
4. a SCCY, model CPX-1, 9 mm caliber pistol;

all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

**Sentencing Allegation
(18 U.S.C. § 924(e)(1))**

Before the defendant, WILLIE HOLMES, committed the offense charged in Count Three of this Indictment, he had at least three previous convictions for serious drug offenses committed on occasions different from one another.

Forfeiture

Upon conviction of the offense alleged in Count One of this Indictment, the defendants, WILLIE HOLMES and MACKENLEY PIERRE, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(5)(C), any property which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of such violation, including, but not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offense alleged in Count One of this Indictment.

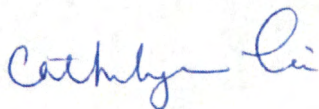
Upon conviction of one or more of the offenses alleged in Counts One through Three of this Indictment, the defendants, WILLIE HOLMES AND MACKENLEY PIERRE, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in or used in the commission of the offenses.

If, as a result of any act or omission of the defendants, any property subject to forfeiture:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

the United States of America intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

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A Tone BILL

FOREPERSON